

**CITY OF EASTPORT  
CITY COUNCIL MEETING  
WEDNESDAY, JUNE 8<sup>th</sup>, 2016  
SHEAD HIGH SCHOOL - LIBRARY - 5:30 P.M.**

EXECUTIVE SESSION - 5:30 P.M. TO 6:00 P.M.

<u>  x  </u> Personnel Matters	Title 1 M.R.S.A. § 405(6)(A)
<u>      </u> Real Property or Economic Development	Title 1 M.R.S.A. § 405(6)(C)
<u>      </u> Labor Negotiations	Title 1 M.R.S.A. § 405(6)(D)
<u>  x  </u> Consultation w/Legal Counsel	Title 1 M.R.S.A. § 495(6)(E)
<u>      </u> Poverty Abatement Application	Title 36 M.R.S.A. § 841

**Those in Attendance:** Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott and Legal Counsel, Dennis Mahar.

Council President calls this portion of the meeting to order at 5:30 p.m.

**Reference WS700218** - Clerk had the machine on but forgot to press the record button.

**Recorder Reference WS700219**

**MOTION** REPOLE **SECOND** EMERY **(PASSED ) TIME: 5:31 P.M.**

To go into Executive Session under Personnel Matters Title 1 M.R.S.A. § 405(6)(A) and for Consultation with Legal Counsel under Title 1 M.R.S.A. § 405(6)(E).

**Recorder Reference WS700220**

**MOTION** ARCHER **SECOND** REPOLE **(PASSED ) TIME: 5:50 P.M.**

To come out of Executive Session.

**REGULAR COUNCIL MEETING - Recorder Reference WS700221**

**Those in Attendance:** Councilor Roscoe Archer, Councilor Scott Emery, Councilor Jan Finley, Councilor Mary Repole, and Council President, Gilbert Murphy. Also present were City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

**Attendees in the Audience:** Lora Whalen of the Quoddy Tides, Anne Stanley, Linda Godfrey, Gordon Smith, Linda Saravo, Officer Dave Chapais, Steve Cannon, Elizabeth Hastings-Renner, David Stanley, Cynthia Morse, Michael Morse, Cory Guimond of Millenium Marine, and the manager of Millenium Marine.

**I. CALL TO ORDER** - Council President called the meeting to order at 6:00 p.m.

**II. ACTION from EXECUTIVE SESSION**

THERE WAS NONE

**III. PUBLIC HEARING(S)**

Council President opened the public hearings at 6:01 p.m.

*City Clerk explains to Council that the State has informed the City administration that businesses who hold a Liquor License and/or a Special Entertainment for a consecutive period of five years in good standing with no complaints; are able to ask for a Waiver of Public Hearing and that the City Clerk and the City Manager are able to sign off on such requests. This information came in after the notice for said hearing was placed in the paper. Therefore, Council will follow through with the signing of the renewal liquor license and special entertainment license.*

*Renewal of Liquor License: (Seaview Campground)*

Council President opens the floor for questions, comments, or concerns.

There were none.

*Renewal of Special Entertainment License: (Seaview Campground)*

Council President opens the floor for questions, comments, or concerns.

There were none.

*FY2017 Municipal Budget*

Council President calls for comments or questions.

There were none with the exception of Gordon Smith asking for clarification of the figure for the total budget which the City Manager explained.

The public hearings were declared closed at 6:02 p.m.

**IX. ACTION ON PUBLIC HEARING(S)**

*Renewal of Liquor License application for Basil Pottle d/b/a Seaview Campground*

***No Action Needed as City Administration was able to Sign Off for the Waiver of Public Hearing but Council did sign the renewal application for processing with the State.***

*Renewal of Special Entertainment License for Basil Pottle d/b/a Seaview Campground*

***No Action Needed as City Administration was able to Sign Off for the Waiver of Public Hearing but Council did sign the renewal application for the processing of the Special Entertainment License to be issued by the City Clerk.***

*Amount to be raised in taxes is \$3,045,179.00 for a total budget of \$2,363,690.00.*

**MOTION** REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To approve the FY2017 Budget of \$4,551,910.00 of which \$2,363,690.00 is education the amount to be raised by taxes \$3,045,179.00 and to approve a Sewer budget of \$373,100.00 as proposed and submitted.

## **V. OPEN PUBLIC FORUM**

Council President opens the floor at 6:04 p.m. for Open Public Forum.

Council President, Gilbert Murphy, asks Cory Guimond of Millenium Marine if he would like to speak and address Council and states that he is allotted 2-3 minutes of time. Mr. Guimond responds that this does not give him much time and the Council President reiterates that he has 2-3 minutes. The manager of Millenium Marine asks if he would be able to speak and Council President responded he would be able to speak separately and on behalf of the workers.

Mr. Guimond thanks the people for allowing him to set up in our town as boat building operation. He speaks that it came to a dwindle in December with a downward slope. He states that there were a lot of negative articles in the paper about Millenium's rent being late. He continues further by asking the City Manager, Elaine Abbott, a question. "If he has not paid June's rent on June 1<sup>st</sup>, would he be one month late? The City Manager responds that the rent is due by the first of the month as specified in the lease. He further asks if he did not pay his rent until the second of the month, would he be one month late or two days late. He states that the Quoddy Tides printed that he was three months late in rent. He said it came up again in March and again most recently that he was late for three months and that he owed \$25,000.00 as of June 1<sup>st</sup>. He continues further to say that the premises were vacated before June 1<sup>st</sup>. Exaggerations and attempts to tarnish his name and reputation has happened and he has much proof of it. He comments to say that the bottom line is that he is not going to leave and is not willing to leave his operation that is here in Eastport. He is building boats here as well as employing people who want to work. Their intention is 100% to stay here. He continues to say that they have two separate leases for that facility. He came to make his payment current according to the Notice to Quit which demanded payment, but when he came to make payment; he went to City Hall very calm and respectfully and notes that he has it recorded and offered to play it. When he spoke for about five seconds, the states that the City Manager said don't make this difficult on me, if you do, I will call the police. He continues to say to her that it is not him being difficult. The police was called. Mr. Guimond took his check to the City's attorney, Dennis Mahar, and they did not accept the check either. He says that he has a Notice to Quit and will print them and post them all over Eastport. He further comments to say that it is totally incorrect and that he is trying not to take this matter to court and feels he is doing everything he can to cooperate with the City of Eastport and is absolutely receiving no response and says if he does not get it, he has no other choice. He does not understand where the City is coming from wanting to throw them out of the building and the space that they are occupying today.

Council President informs Mr. Guimond that his time is up. Mr. Guimond responds to say that he has payment here again in cash for this month here. Council President tells Mr. Guimond that he is going to explain a few things to the people sitting in this room about what the City has tried to do for him, which he refused.

Gilbert Murphy, Council President, reports that at a Special Council meeting held on April 25<sup>th</sup>, 2016; the City Council proposed that the City would waive rent owed for March, April, and May of 2016. A new lease would be negotiated for the period beginning June 1<sup>st</sup>, 2016 through December 31<sup>st</sup>, 2016. The rent would be reduced to \$3,750.00 per month from \$7,200.00 per month for the main section of the mill. The rent amount chosen would cover the premium of the mill insurance of \$52,000.00 which had doubled when the mill had caught on fire. Thereby avoiding taxpayer burden. As per Cory Guimond's request, the lease for the Olson space (which he stated he no longer required) would be cancelled without penalty. New lease negotiations would occur in January of 2017 to check in with Cory Guimond to see if his finances had improved. Provided there was increased financial stability within Millenium Marine USA, a rent payment of \$4,750.00 would be instituted for 2017. The following stipulations were attached. Millenium Marine would pay outstanding personal property taxes owed to the City as per the lease agreement with the City and the County. Rent would be due and payable on the 1<sup>st</sup> of every month as per the lease agreement. Failure to pay rent would result in a 7-day Notice of Eviction. The above offer in its entirety was rejected by Cory Guimond. Council President states that this information is being made public in the interest of transparency and the government responsibility to taxpayers of the City of Eastport. Mr. Guimond tries to speak and Council President reminds him that he has had his say and reminds him that Council has met with him and gone through this with him before and that they are repeating the same thing.

The shop foreman for Millenium Marine asks to speak and he addresses the Council. Council President allots him two minutes to speak. He comments to say that they employ seven people with a total of thirteen kids who depend on the money from this shop. He states that the leases are separate leases and that they are not contingent on one or the other. He further comments to say that they decided to move out of the big building and decided to rent the Olson space. He states that Mr. Guimond presented the City Manager with a check on May 19<sup>th</sup>, 2016 to bring that current. Council President responds that he still owes the City money. The foreman reiterates that they are two separate leases and says that the City cannot demand money and then refuse it. Council President explains that what he was trying to pay money for was for something he did not have. The foreman further comments to say that the money was for past due rent. Council President further explains that what he was trying to pay money for was for the piece that he is in now which he cannot be in. The foreman responded no he was not. Council President declares that discussion is done and his time is up and it is not being discussed further. The foreman speaks that they have thirteen kids and seven guys that do not have a job any more with a valid lease.

Linda Godfrey from the audience addresses the Council in that The Commons put in a significant amount of time to make this happen and it is very clear that the City has knowledge of something that has transpired as well as Mr. Guimond. It is also clear that we all need and want jobs in Eastport and want things to work out. She feels they are being trusting, but in listening to the conversations back and forth, is unsure if this is as far as they can go. Council President responds that this is as far as they can go and that he has a Notice to Quit and that he has to be out of the building by July 19<sup>th</sup>, 2016. Cory Guimond asks the Council President if he could speak. Mr. Guimond comments to say that the Notice to Quit gives him ninety days to come current on his rent and demands it and that he is trying to pay it but the City will not take it. Linda Godfrey asks if there is something else other than the rent. The shop foreman responds that what they are trying to say is that the building they are occupying is no longer health and safety usable. They have been using it all along but they have chosen not to use the big part. Mr. Guimond states that he is here to try and help the City out as it is going to get ugly and he does not want that to happen and wants to continue to grow and employ people. He further comments to say that he has been very good to the City and that when they were in need of money for insurance, he paid them \$25,000.00 as a gift with no return expected. He continues to say he helped the City out throughout the process of the grant to secure it to have the building refinished. He comments to say that he has a building that is leased to him but the City has permitted his clients to keep their boats in there past his time in there and even while he is in there – therefore subleasing it. Mr. Guimond reports that he asked Gilbert Murphy if he could keep a piece of his equipment in there and the City Manager responds that he cannot answer that as it takes five to vote on. Mr. Guimond says that he responded did it take five to vote on for his clients' boats to stay there. Mr. Guimond say that this was also recorded. Council President closed the discussion and told Mr. Guimond that he had used his time up. Mr. Guimond states he has been treated unfairly and that he is not going to walk away from this and that there will be a big lawsuit. Council President comments to say that this has been very unpleasant but that the City Council has had numerous meetings with Mr. Guimond and that they have been repetitive on the same thing.

Council President calls for any other business under Open Public Forum.

Linda Saravo who operates the new ice cream shop down by the breakwater addresses the Council with a concern of parking in front of the store all day long and asks if it is possible to get a fifteen or thirty minute parking space sign. Council instructs the City Manager to move forward with ordering the sign. Cynthia Morse also requests that Council work together with the business people downtown to assist them as well with a solution

Lora Whelan speaks that it is a larger issue as the Quoddy Tides has two employees that are handicapped and requires them to park across the street.

Linda Godfrey comments to say that the business owners need not park downtown to take up parking spaces.

A comment comes from the audience as to whether the downtown has signage with regard to parking and Michael Morse with the Downtown Committee responds to say that this is a project that they intend to undertake for better signage for downtown.

Council President declares Open Public Forum closed at 6:20 p.m.

## **VI. ADJUSTMENTS TO AGENDA**

**MOTION** ARCHER **SECOND** FINLEY **(PASSED 5-0)**

To adjust the agenda to add (m) “Accept Proposal for Playground and Skate Park (Making Headway Project)” to Item VIII – New Business of the agenda.

Steve Cannon addresses the Council in that he did not see the request for an appointment of Chase Langmaid to the Zoning Board of Appeals. The City Clerk responds that this is taken up on the Consent Agenda.

## **VII. UNFINISHED BUSINESS**

Councilor Jan Finley asks where are at with the move of City Hall and the City Manager responds that she needs to get three people to come out to give us pricing and Councilor Jan Finley offers to help her with moving forward on this.

The City Clerk reminds everyone that the Primary Election is on June 14<sup>th</sup>, 2016 and that it is scheduled to be held in the High School gym from 8:00 a.m. to 8:00 p.m. and that the deadline to request an absentee ballot is June 9<sup>th</sup>, 2016.

## **VIII. NEW BUSINESS**

### **a) Opening & Award of Bid for Sale of City Property - 5 Lincoln Street**

Only one bid received. Council President opened bid and acknowledges receipt from William Lannigan and Linda Saravo for an amount of \$9,010.00 for the sale of property at 5 Lincoln Street and that a deposit of \$901.00 has been submitted.

**MOTION** REPOLE **SECOND** EMERY **(PASSED 5-0)**

To accept the bid of \$9,010.00 from William Lannigan and Linda Saravo for the sale and purchase of 5 Lincoln Street to include the deposit check for an amount of \$901.00.

### **b) Opening & Award of Bid for Sale of City Property - 47 Third Street**

NO BIDS RECEIVED

**MOTION** REPOLE **SECOND** FINLEY **(PASSED 5-0)**

To re-advertise the property and put it out again.

**c) Opening & Award of Bid for FY2017 Municipal Trash**

Two bids were received. Council President opens the first bid which was received on 6/2/16 at 1:00 p.m. from Shane and Alice Curtis d/b/a Ohio Brook Disposal for an amount of \$1,728.00. Council President opens the second bid which was received on 6/3/16 at 11:45 a.m. from James Barnes d/b/a Moose Island Solid Waste Disposal for an amount of \$999.99.

**MOTION** ARCHER      **SECOND** EMERY      **(PASSED 5-0)**

To accept and award the FY2017 Municipal Trash for an amount of \$999.99 to James Barnes d/b/a Moose Island Solid Waste & Disposal.

**d) Accept Donation for Ground Maintenance from Jamie Smith**

**MOTION** REPOLE      **SECOND** FINLEY      **(PASSED 5-0)**

To approve and accept the donation of ground maintenance from Jamie Smith in assisting the City with help mowing the Cemetery.

**e) Council Approval for Use of Amphetheater for Fundraising Event – Requested By Melissa Newcomb**

**MOTION** REPOLE      **SECOND** FINLEY      **(PASSED 5-0)**

To authorize the use of the Amphetheater for a Fundraising event as requested by Melissa Newcomb.

**f) Perpetual Care Lot – James Malloch – Hillside East – Cremation Lot #1**

**MOTION** REPOLE      **SECOND** FINLEY      **(PASSED 5-0)**

To approve the perpetual care lot for James Malloch at Hillside East, referencing cremation lot #1 for an amount of \$150.00.

**g) Council Policy – Re: Renewal of Liquor Licenses & Special Ent. Licenses**

**MOTION** FINLEY      **SECOND** ARCHER      **(PASSED 5-0)**

To approve a policy to authorize “Waiver of Public Hearings” for renewal of liquor license applications and the renewal of special entertainment licenses as governed by the State statute that the entity is in good standing with no complaints for a five-year period and that the City Manager or the City Clerk are able to sign off on the waivers on behalf of the City.

**h) Approve Tax Collector to Accept FY2018 Tax Pre-Payments**

**MOTION** ARCHER      **SECOND** FINLEY      **(PASSED 5-0)**

To approve the tax collector to accept real estate tax prepayments for FY2018.

**i) Set Interest Rate for FY2017 Taxes (*per State - cannot exceed 7%*)**

**MOTION** REPOLE      **SECOND** EMERY      **(PASSED 5-0)**

To set the interest rate for the FY2017 Taxes at 7%.

**j) Set Date for Interest – FY2017 Taxes (**Assessor's Recommendation 11/1/2016**)**

**MOTION** REPOLE      **SECOND** FINLEY      **(PASSED 5-0)**

To set the date for interest to commence on 11/1/2016 for the FY2017 real estate taxes.

**k) Council Liaison/Manager Updates**

The City Manager reports that City Hall has a new roof. The Public Works Director and the City Manager are working together to get jobs done before the 4<sup>th</sup> along with securing and addressing the retaining wall downtown. She updates Council that there will be no parking after 10:00 p.m. at Boynton Street and Furniture Avenue as they are removing and replacing a granite curb stone. Street sweeping is running behind due to the loss of a Public Works employee. Efforts by all are made to keep up with the mowing. A reminder to those who use the dog park on Drumming Road to pick up pet waste. A reminder that the City has now in place a Shellfish Ordinance and that licenses are available at City Hall. She also reports that DEMS has turned an ambulance back to the City and that it has been assigned to the Fire Department for use as a utility vehicle.

**MOTION** ARCHER      **SECOND** FINLEY      **(PASSED 5-0)**

To accept the update/report as given by the City Manager.

**l) Council Approval of Consent Agenda**

**MOTION** FINLEY      **SECOND** REPOLE      **(PASSED 5-0)**

To approve the consent agenda as submitted.

**m) Accept Proposal for Playground & Skate Park – Making Headway Project**

**MOTION** REPOLE      **SECOND** FINLEY      **(PASSED 5-0)**

To accept and approve the design proposal for the playground and skate park for the Making Headway Project.

**IX. COUNCIL ISSUES**

Council President shares with the audience that the Council has been working with Millenium Marine since back in the Fall and that he and Councilor Repole had met with him several times and that it was a repeat of the same thing over and over. He wanted paperwork from the County and paperwork from the City and he claims that



he did not get everything done when the project was in process. Council President comments to say that the boat molds were financed in Canada and before they could leave Canada, they had to be paid for. He further comments to say that they were paid for by the grant and that \$500,000 of that grant went to pay for his boat molds.

Needless to say, some of the things that should have been done on that project, did not get done. He reiterates that Council has gone out of their way to deal with him and that the City as well as the County wanted him to succeed. The offer on the lease that was made to him was more than fair and that the Council was hoping that he would accept it and get back on his feet to turn things around, but he chose to refuse it was not willing to accept anything that the Council proposed.

A question came from the audience about who owns the molds. Council President clarifies that the molds purchased through the grant belong to the County. However, Millennium Marine has other molds that he owns.

Linda Godfrey updates Council that the All Souls Church group will be in town on June 19<sup>th</sup> and part of their projects will be assisting with the Legacy Park Rain Garden. Councilor Jan Finley asks if more than one name can be placed on the pavers. She responds you can have two lines and it can either say "in honor of" or "in memory of".

## **X. ADJOURN**

**MOTION** ARCHER      **SECOND** FINLEY **(PASSED 5-0) TIME: 6:50 P.M.**  
To adjourn.